

DR OREN BIGOS KC

BARRISTER

CURRICULUM VITAE



OVERVIEW

Dr Oren Bigos KC practises nationally in corporate and commercial law, undertaking both trial and appellate work. He took silk in 2019.

Oren has extensive experience in corporations, insolvency, regulatory proceedings, class actions, equity and trusts, property, banking and finance and trade practices/consumer protection. Oren regularly appears for a wide range of private and government clients in proceedings in superior courts, both at first instance and appellate level. He has appeared several times in the High Court. He has provided an opinion to a foreign court on Australian law.

Oren won the Supreme Court Prize at Monash University, and completed BCL, MPhil, and DPhil degrees at Oxford. Before coming to the Bar, he worked as the Associate to the Hon. Justice Finkelstein of the Federal Court, and as a solicitor at Mallesons and Freehills.

Oren is listed in the “Best Lawyers” rankings (published in the AFR), the Chambers & Partners barrister rankings, Doyle’s Guide, and Who’s Who Legal.

Oren's main practice areas include:

- Banking and Finance
- Class Actions/Representative Proceedings
- Commercial Law
- Conflict of Laws (Private International Law)
- Contract Disputes
- Corporations and Securities
- Equity and Trusts
- Insolvency and Reconstruction
- Insurance
- Managed Investment Schemes
- Mining, Energy, Resources
- Mortgages and Securities (including Personal Property Securities)
- Property
- Regulatory (including White Collar Crime)
- Schemes of Arrangement
- Structured Finance/Complex Transactions
- Trade Practices, Consumer Protection

KEY CASES

High Court appeals

- CGU v Blakeley* (2016) 259 CLR 339
- ASIC v Lanepoint* (2011) 244 CLR 1
- Lehman Bros v City of Swan* (2010) 240 CLR 509
- International Air Transport Association v Ansett* (2008) 234 CLR 151

High Court special leave applications

- Cruickshank v ASIC* [2022] HCASL 201
- Giddings v TW Timber* [2022] HCASL 200

7-Eleven v Davaria [2021] HCATrans 113

Yarran v South West Aboriginal Land & Sea Council [2020] HCATrans 202

Jennings v Laming [2019] HCASL 120

Zetta Jet v Ship “Dragon Pearl” [2019] HCATrans 14

White v Timbercorp [2018] HCASL 82

Blakeley v CGU [2018] HCASL 103

Masters v North East Solutions [2017] HCASL 229

Australasian Annuities v Rowley Super Fund [2015] HCA Trans 235

Grocon v APN [2016] HCASL 54

Treasurer of Victoria v Tabcorp & Tatts Group [2015] HCA Trans 28

Rolfe v Investec Bank [2014] HCASL 140

Woodcroft-Brown v Timbercorp [2014] HCA Trans 85

Mathai v Nelson [2013] HCASL 115

Ipex v Melbourne Water [2013] HCASL 76

Norman; Re Forest Enterprises Australia [2012] HCA Trans 71

Full Federal Court

Cruickshank v ASIC (2022) 292 FCR 627

Instagram v Dialogue (2022) 291 FCR 155

Davaria v 7-Eleven (2020) 281 FCR 501

McGlade v South West Aboriginal Land & Sea Aboriginal Corp (No 2) (2019) 374 ALR 329

Zetta Jet v Ship “Dragon Pearl” (No 2) (2018) 265 FCR 290

Perera v Getswift (2018) 263 FCR 92

White v Robertson (2018) 125 ACSR 390

Swishette v ACCC (2017) 249 FCR 483

Templeton v ASIC (2015) 108 ACSR 545

ASIC v Franklin (2014) 223 FCR 204

Georges v Seaborn; Re Sonray Capital Markets (2012) 206 FCR 408

Norman; Re Forest Enterprises Australia (2011) 195 FCR 97

Federal Court

Re Speedpanel [2023] FCA 720
XY v CADB (2022) 164 ACSR 37
ACCC v Telstra, Optus and TPG [2022] FCA 1397, 1398, 1399
Re Japara Healthcare (2021) 156 ACSR 695
CDPP v Country Care (jury trial, 2021)
ACCC v Productivity Partners (2020) 145 ACSR 316 and (2021) 154 ACSR 472
ACCC v Campbell (No 3) [2021] FCA 528
Re Holdco (No 2) (2021) 391 ALR 418
Re Walden Cloud (2021) 149 ACSR 637
ACCC v Bupa Aged Care (2020) ATPR ¶42-681
Dialogue Consulting v Instagram (2020) 291 FCR 155
Australian Energy Regulator v AGL Sales [2020] FCA 1623
Davaria v 7-Eleven (No 7) (2000) 148 ACSR 500
Reilly v ANZ (No 2) [2020] FCA 1502
Clark v NAB (2019) 136 ACSR 329 and [2020] FCA 652
Re QMS Media [2019] FCA 2172 and [2020] FCA 142
Re Micro-X [2019] FCA 1154
Southernwood v Brambles (2019) 137 ACSR 540
ACCC v Australian Private Networks (2019) 136 ACSR 80
ASIC v Aviation 3030 (2019) 37 ACLC ¶19-007
Zetta Jet v Linkage [2018] FCA 1979 and [2019] FCA 1408
Perera v Getswift (2018) 263 FCR 1
ASIC v AGM Markets (2018) 129 ACSR 335
ACCC v Ford (2018) 360 ALR 124
ACCC v Swishette [2018] FCA 55
Rushleigh v Forge (2018) 355 ALR 248
ACCC v Harrison [2016] FCA 1543 and [2017] FCA 182
ASIC v Sino Australia Oil & Gas (2015) 106 ACSR 575
Re Arrium [2016] FCA 1300

Re Edelsten (2014) 320 ALR 506 and (2016) 12 BFRA 68; [2016] FCA 1269
TiVo v Vivo (2014) 9 BFRA 583; [2014] FCA 789
Silvia; Re FEA Plantations [2013] FCA 1331
Appleyard; Re Crawford Farms [2012] FCA 1373
Munday Group v Tsourlinis Distributors (2010) 5 BFRA 101 and [2011] FCA 195
Norman; Re Forest Enterprises Australia (2010) 191 FCR 39
CBA v Fernandez (2010) 81 ACSR 262
Huntley v Timbercorp (2010) 187 FCR 151
Imobilari v Opes Prime (2008) 69 ACSR 235
Black & Decker v GMCA (No 5) (2008) 79 IPR 450; [2008] FCA 1738
Re Opes Prime (2008) 171 FCR 473

Victorian Court of Appeal

Patel v Sengun [2023] VSCA 238
Yimiao v Cyber Intelligence [2023] VSCA 21
Smash v Euromark [2022] VSCA 267
TW Timber v Giddings [2022] VSCA 147
Urban v Junior Academy ELC [2019] VSCA 247
White v Timbercorp (2017) 123 ACSR 284
Blakeley v CGU (2017) 53 VR 733
Masters v North East Solutions (2017) V ConvR 54-890
Bennett v Talacko [2017] VSCA 163
Balanced Securities v Dumayne (2017) 53 VR 14
Horne v Retirement Guide Management (2017) 118 ACSR 509
Legend International v Indian Farmers Fertiliser Cooperative (2016) 52 VR 40
Australasian Annuities v Rowley Super Fund (2015) 318 ALR 302
Grocon v APN [2015] VSCA 190
Treasurer of Victoria v Tabcorp & Tatts Group [2014] VSCA 143
Matsoukatidou v CBA [2014] VSCA 229
Rescom v Reapfield [2014] VSCA 92

Cedar Meats v Five Star Lamb (2014) 45 VR 79
Rolfe v Investec Bank [2014] VSCA 38
Woodcroft-Brown v Timbercorp (2013) 96 ACSR 307
360 Capital RE v Watts (2012) 36 VR 507
Brakatselos v ABL Nominees (2012) 36 VR 490
Sami v Roads Corporation [2009] VSCA 44
Puttick v Fletcher Challenge Forests (2007) 18 VR 70

Victorian Supreme Court

Iddles v Fonterra [2023] VSC 566
Euromark v Smash [2021] VSC 97, [2021] VSC 393 and [2023] VSC 490
Re Windsor Development [2022] VSC 742
Yimiao v Star Mining [2022] VSC 701
GLP Batesford v 68 Bridge Rd (2022) 68 VR 171
King v Linkage [2022] VSC 158
CPSU v UniSuper (2020) 64 VR 108
Re Pacific Biotechnologies [2020] VSC 636
Baymill v Drewlock [2019] VSC 827
Re AXF Group (2019) 37 ACLC ¶19-057, (2019) 37 ACLC ¶19-067 and [2019] VSC 862
Re Stay in Bed Milk & Bread (2019) 58 VR 446
Yan v Zhang [2018] VSC 694
Bensons Property Group v CBA [2018] VSC 666
Re Mossgreen [2018] VSC 230
Re Mamounia (No 3) [2018] VSC 65
Raskin v Mediterranean Olives [2017] VSC 94
Victoria v CTM Training Solutions [2017] VSC 47
Victoria v Goulburn Administration Services (2016) 51 VR 685
Ten Boundary St v Ivanhoe Project [2016] VSC 755
UDP Holdings v Ironshore (2016) 51 VR 60
Re Primary Securities [2016] VSC 536

Timbercorp v Vivian (2016) 114 ACSR 198
Re Koko Black [2016] VSC 190
Re Koori Employment Enterprises Co-operative [2016] VSC 245
Native Bond v Cant [2016] VSC 206
TPC v NWC Finance [2016] VSC 117
Re National Australia Bank [2016] VSC 62
Re Octagonal Resources [2015] VSC 806
ASIC v Sino Australia Oil & Gas (2015) 106 ACSR 575
Camping Warehouse v Downer EDI [2015] VSC 555
Daiwa Can v Barokes [2015] VSC 502
Esposito v UDP [2015] VSC 183
ANZ v ASIC (2014) 106 ACSR 440
Clarke v Great Southern [2014] VSC 334
Australian Gift & Homewares Assoc v MCET [2014] VSC 481
U&D Coal v Australian Kunqian (2014) 32 ACLC 14-047
Re BCD Resources (2014) 100 ACSR 450
Re Gunns Plantations [2012] VSC 513, [2012] VSC 655, [2013] VSC 595, [2014] VSC 239, [2014] VSC 267, [2015] VSC 102 and [2017] VSC 777
Re Banksia Mortgages (2013) 95 ACSR 161
Re Crown Meats (2013) 93 ACSR 576
Mishme Enterprises v NTICED [2013] VSC 187
Re Elders Forestry Management (2012) 90 ACSR 573, [2012] VSC 373, [2013] VSC 471 and [2013] VSC 747
Re Timbercorp Securities (2010) 77 ACSR 291, [2011] VSC 24, [2011] VSC 83 and [2012] VSC 590
Algeri; Re Colorado Group [2011] VSC 260 and [2012] VSC 22
Re Colorado Group (2011) 86 ACSR 231
Thackray v Gunns Plantations (2011) 85 ACSR 144 and [2011] VSC 417
Hodgson v Amcor (2011) 32 VR 495 and [2011] VSC 204
Taverners v Saxo Bank [2011] VSC 27
Re Great Southern Managers Australia (2009) 76 ACSR 146 and [2009] VSC 627

Teparyl v Willis [2009] V Conv R 54-766

Brisconnections v Australian Style Investments (2009) 23 VR 253

Re Environinvest (2009) 69 ACSR 530

Mikhail v Zoumboulakis (2008) 30 VAR 364

Kinarra v On Q Group (2008) 65 ACSR 438

New South Wales Supreme Court

Host-Plus v Maritime Super [2023] NSWSC 725

Queensland Supreme Court

HESTA v A-G [2022] QSC 221

Royal Commissions

Crown Royal Commission (acted for CPH)

Banking Royal Commission (acted for ACCC)

EDUCATION

Oxford University – BCL (Dist) (2003), MPhil (2004), DPhil (2007)

Menzies Scholarship (2002)

Monash University – BCom (1996), LLB (Hons) (1998)

PUBLICATIONS

Co-author of Federal Court Practice (2019 –)

Consulting editor of Federal Court Reports and Federal Law Reports (2014 –)

"Securities" (chapter 18.9) and "Consumer Finance" (Chapter 18.10), Laws of Australia

‘Class divide: Different forms of scheme consideration’ (2019) 37(2) Companies & Securities Law Journal 147

‘No abuse of process in foreshadowing examinations’ (2019) 31(1) ARITA Journal 25

‘Appeal court gives liquidators a serve for delaying to serve’ (2017) 29(3) ARITA Journal 26

‘Recent Developments: Treatment of costs of litigation in liquidation and bankruptcy’ (2014) 22(1) Insolvency Law Journal 35

‘Case and Comment: Jurisdictional discretion in defamation on the internet’ [2005] Lloyd’s Maritime and Commercial Law Quarterly 129

‘Jurisdiction Over Cross-Border Wrongs on the Internet’ (2005) 54(3) International and Comparative Law Quarterly 585

‘Conflict of laws issues in Australian financing transactions’ (2005) 16(3) Journal of Banking and Finance Law and Practice 227

‘Recent Developments: Are shareholders' claims provable in administration?’ (2005) 13(2) Insolvency Law Journal 115

‘Recent Developments: Voidable preference due to inactive secured creditor’ (2001) 9 Insolvency Law Journal 162

OTHER EXPERIENCE

Victorian Bar’s Practice Development Committee: Chair (2022 –)

Australian Bar Association’s Practice Development Committee: Member (2022 –)

Victorian Bar’s Continuing Professional Development Committee: Chair (2020 – 2021), Vice-chair (2018 – 2019), Member (2011 – 2017)

CommBar’s Insolvency Law Section: Chair (2020 –), Vice-Chair (2016-2019), Convenor (2011-2015)

CommBar’s Executive Committee: Member (2016 – 2022)

Lecturer, Monash Law School (Commercial Equity, 2023), (Corporate Insolvency, 2007 – 2011)

Regular presenter, Leo Cussen Institute; Legalwise Seminars; Melbourne Law School (project finance course; civil regulatory litigation course)